

FACT SHEET

FARM LABOR CONTRACTOR LICENSING



During its 2002 session, the Idaho Legislature passed a new law requiring the licensing of farm labor contractors. It takes effect January 1, 2003.

If you are a farmer who uses a licensed farm labor contractor, you will NOT be a joint employer of the farm labor contractor's employees. Under this new state law, the farm labor contractor will remain their sole employer and be solely responsible for the payment of their wages.

All persons performing farm labor contractor activities on behalf of migrant and seasonal farm workers in Idaho must:

- Be licensed by the State and pay an annual licensing fee.
- Post a surety bond to cover unpaid wages.
- Carry auto insurance for all vehicles used in the farm labor contracting business.
- Carry Workers' Compensation coverage for all employees.
- Provide all employees at the time of hiring full disclosure of the conditions of employment.

FOR MORE INFORMATION, CONTACT:

Southern Idaho
Idaho Department of Labor
127 West Fifth Street North
Burley, Idaho 83318-3457
(208) 678-5518

Compliance Officer:
Linda Castañeda, ext. 3128

Eastern Idaho
Idaho Department of Labor
430 North Fifth Avenue
Pocatello, Idaho 83205-5458
(208) 236-6710

Compliance Officer:
Leslie Sorenson, ext. 3690

Central Office
Idaho Department of Labor
317 West Main Street
Boise, Idaho 83735
(208) 332-3570

FLC Licensing Coordinator:
Teresa McClure, ext. 3259

Wage & Hour Supervisor:
Ken Flatt, ext. 3193

Compliance Officer:
Daniel Rodriguez, ext. 3192

Northern Idaho
Idaho Department of Labor
1221 West Ironwood Drive, Suite 200
Coeur d'Alene, Idaho 83814-2668
(208) 769-1558

Compliance Officer:
Dawn McLees, ext. 326

Western Idaho
Idaho Department of Labor
317 West Main Street
Boise, Idaho 83735
(208) 332-3570

Compliance Officer:
Daniel Rodriguez, ext. 3192

FARM LABOR CONTRACTOR LICENSING GUIDELINES

WHO MUST APPLY?

Any person who is paid or is promised to be paid, for recruiting, soliciting, hiring, employing, furnishing, or transporting any migrant or seasonal agricultural worker.

EXEMPTIONS FROM LICENSING REQUIREMENT

1. Agricultural associations engaged in farm labor contracting activities exclusively for members of their association.
2. Individuals engaged in farm labor contracting for an agricultural operation owned or operated exclusively by such individual or a member of such individual's immediate family, if such activities are performed only for such operation and exclusively by such individual, but without regard to whether such individual has incorporated or otherwise organized for business purposes.
3. Agricultural employers exchanging agricultural labor or services with each other, provided the work is performed on land owned or leased by the agricultural employers.
4. Any common carrier that would be a farm labor contractor solely because it is engaged in transporting any migrant or seasonal agricultural worker. For purposes of this section, a common carrier is one that holds itself out to the general public to engage in transportation of passengers for hire, whether over regular or irregular routes, and holds a valid certificate or authorization for such purpose from an appropriate local, state or federal agency.
5. Nonprofit charitable organizations and public entities or private nonprofit educational institutions.
6. The employees of persons described above when performing farm labor contracting activities exclusively for such employer, unless the employee receives a commission or fee based upon the number of workers recruited.

LICENSE FEE - \$250.00 annually

WHAT YOU NEED WHEN APPLYING FOR LICENSE

1. The license fee.
2. Completed Application.
3. Two (2) recent, passport sized, color photographs.
4. Vehicle Information Sheet, if applicable.
5. Certificate of Insurance issued by your auto insurance carrier that lists the Idaho Department of Labor as the certificate holder and provides a 30-day cancellation notice for all vehicle(s) used in the operation of the busi-

ness and used to transport workers. **This Certificate must include a list of all vehicles used and their Vehicle Identification Numbers.***

6. Certificate of Insurance issued by your Workers' Compensation carrier that lists the Idaho Department of Labor as the certificate holder **and provides a 30-day cancellation notice.***
7. Proof of Financial Responsibility.*
8. For employee applicants, a Sponsorship Statement.

**If applying for an employee license as an employee of a licensed Farm Labor Contractor, you do not need to submit proof of financial responsibility or certificates of insurance for vehicles or worker's compensation.*

ALL assumed business names and corporations **MUST** be registered with the secretary of State **PRIOR** to a license being issued. Please contact:

SECRETARY OF STATE

PO Box 83720

Boise, ID 83720-0080

(208) 334-2301

PROOF OF FINANCIAL RESPONSIBILITY

Proof of financial responsibility is a Corporate Surety Bond of a company licensed to do business in Idaho, or cash or other security acceptable to the Director of the Department of Labor. **All financial responsibility documents are to be submitted on forms that are provided by the Department.** Proof of financial responsibility shall be in the following amounts:

- \$10,000 if no more than 20 employees are employed.
- \$30,000 if 21 or more employees are employed.

The Director of the Idaho Department of Labor may accept other forms of financial security in lieu of the security bond.

LICENSE RENEWAL

The license shall be good for one licensing year. All licenses will expire at the end of each licensing year. Renewal applications are sent to all licensed contractors prior to the expiration of the current license. The License renewal fee is \$250.

NO JOINT EMPLOYMENT

A farmer who uses a licensed farm labor contractor will not be a joint employer of the contractor's employees. The licensed farm labor contractor will remain their sole employer and be solely responsible for the payment of their wages.

For more information, visit our website: www.jobservice.us/laborinfo.htm

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